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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,949	09/26/2003	Denny Jaeger	4335	7283
7590	12/13/2005			
Harris Zimmerman Law Offices of Harris Zimmerman Suite 710 1330 Broadway Oakland, CA 94612-2506			EXAMINER VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,949	Applicant(s) JAEGER, DENNY	
	Examiner Kieu D. Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaeger (US 2002/0109737).

Regarding claim 21, Jaeger teaches a method for programming a graphic control device (fader in Fig. 23) ([0135]), said method comprising displaying said graphic control device that is controllable by a user to change a setting of said graphic control device (faders displayed in Fig. 23) ([0135]); displaying characters in response to user input ("change to 40 bit resolution" in [0135]); graphically associating said characters to said graphic control device in response to user input (two faders are encircled by an arrow that is drawn to the text command "change to 40 bit resolution"); and programming a property of said graphic control device using said characters (properties of encircled faders are modified, [0135]) .

Regarding claim 22, Jaeger teaches that said graphically associating includes assigning a relationship between said characters and said graphic control device in response a graphic directional indicator drawn from said characters to said graphic control device (see arrow drawn from two encircled faders to the text in Fig. 23).

Regarding claim 23, Jaeger teaches that said graphic directional indicator includes an arrow (see arrow drawn from two encircled faders to the text in Fig. 23).

Regarding claim 24, Jaeger teaches that said graphically associating includes grouping said characters and said graphic control device together in response said user input (grouping encircled faders and text by user's drawn arrow in Fig. 23).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 2002/0109737) and Hoashi (EP 1089161)

Regarding claims 1 and 11, Jaeger teaches a method for programming a graphic control device (for example, a fader or a volume controller) ([0150]), said method comprising displaying said graphic control device that is controllable by a user to change a setting of said graphic control device (see the fader in Fig. 26); displaying characters in response to user input ("volume" is typed or written to a location proximate to the fader; see lines 3-8 of [0150]; "0.0" is typed or written to a location proximate to the fader; see lines 8-20 of [0150], also see Fig. 27) and programming a property of said graphic control device using characters ("volume" is imparted as a function of the fader) (see [0150]). Jaeger teaches defining regions location proximate of said graphic control device (for example, characters are displayed in locations proximate to the fader) but

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does not teach said programming taken place when said characters are moved to intersect a region defined by said graphic control device. However, such feature is known in the art as taught by Hoashi. Hoashi teaches steps for changing attributes of object 51 by dragging and dropping icon 58 (containing attributes) onto object 51 (see Fig. 6, Fig. 9, [0058]). It would have been obvious for one of ordinary skill in the art having the teaching of Jaeger and Hoashi in front of him at the time the invention was made to use drag and drop technique taught by Hoashi in Jaeger's programming properties with the motivation being to efficiency and accurately program property of said graphic control device. For example, when the proximate location of the graphic control device is too small for user to write characters, the user can write characters in a larger location on the display, drag the characters, and drop the characters on the graphic control device to program the graphic control device with said characters.

Regarding claims 2 and 12, Jaeger teaches said characters includes textual characters ("volume"), and wherein said programming includes programming a function of said graphic control device, said function being associated with said textual characters ("volume" is imparted as a function of the fader)(see [0150]).

Regarding claims 3 and 13, Jaeger teaches labeling said graphic control device with said textual characters ("volume" is imparted as a function of the fader)(see [0150]).

Regarding claims 4 and 14, Jaeger teaches said characters includes numeric characters ("0.0" in lines 8-11 of [0150]), and wherein said programming of said property includes programming a numeric setting of said graphic control device, said numeric

setting being defined by said numeric characters (displayed "0.0" determines the resolution and range of the fader; see lines 8-20 of [0150]).

Regarding claims 5 and 15, Jaeger teaches programming a resolution of said graphic control device, said resolution being defined by said numeric characters (see Fig. 23).

Regarding claims 6 and 16, Jaeger teaches programming a range of said graphic control device, said range being at least partially defined by said numeric characters (displayed "0.0" determines the resolution and range of the fader; see lines 8-20 of [0150]).

Regarding claims 7 and 17, Jaeger teaches said characters includes textual and numeric characters ("change to 40 bit resolution", see [0135]), and wherein said programming comprises programming a function of said graphic control device, said function being associated with said textual characters; and programming a numeric setting of said graphic control device, said numeric setting being defined by said numeric characters (see [0135] and Fig. 23).

Regarding claims 8 and 18, Jaeger teaches programming a resolution of said graphic control device, said resolution being defined by said numeric characters ("change to 40 bit resolution", see [0135]).

Regarding claims 9 and 19, Jaeger teaches programming a range of said graphic control device, said range being at least partially defined by said numeric characters (for example, displayed "0.0" determines the resolution and range of the fader; see lines 8-20 of [0150]).

Regarding claims 10 and 20, Jaeger does not teach recognizing a hand drawn object as said graphic control device. However, since Jaeger teaches a drawn arrow can be used to modify property of a previously drawn arrow (i.e. recognizing a hand drawn arrow and programming properties of recognized arrow using another hand drawn arrow)(see [0033], Fig. 24, [0144]-[0145], it would have been obvious for one of ordinary skill in the art having the teaching of Jaeger at the time the invention was made to include recognizing a hand drawn object as said graphic control device with the motivation being to enable users to easily and quickly gain access to the graphic control device anywhere and at anytime on a display without having to search for the graphic control device or having to call the graphic control device up from a menu (Jaeger, [0116]).

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach about using written characters to change properties of object which relates to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

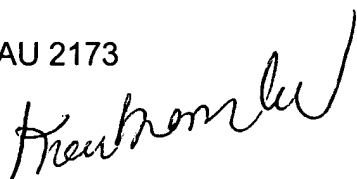
and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu D. Vu

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A handwritten signature in black ink, appearing to read 'Kieu D. Vu', is written over the printed name and art unit number.